

### **Remark**

Applicants respectfully request reconsideration of this application as amended. No claims have been amended. Claims 1-25 have been canceled. Claims 26-73 are new. Therefore, claims 26-73 are now presented for examination.

### **35 U.S.C. §102 Rejection,**

#### ***Swildens***

The Examiner rejected claims 1-18 and 22-25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Provisional application 60/188,142 by Swildens ("Swildens"). These claims are canceled. Swildens sums up its process on page 10/13, fourth paragraph of the portion entitled "Decrypting Load Balancing Array Specification" as follows: "Cookie based scheduling will persistently map an individual user to a back end web server regardless of whether they are using SSL or HTTP. Because the DLBA server performs decryption, the back end web server only sees HTTP traffic." Swildens suggests that the scheduling could be based on session ID but never describes how this might be performed.

One downside of the Swildens approach is that an individual user will be persistently mapped to a particular back end web server even for non-secure transactions using HTTP. This may result in unbalanced loading because the persistent users can't be remapped.

In contrast to Swildens, the invention of the present application determines if a transaction is secure transaction and this determination is applied to the assignments of

servers. Claim 26, recites, for example, "determining if the session ID exists in a mapping table, if the transaction is a secure transaction." Swildens using such a determination as a condition of performing other steps. Claim 33, for example, refers to "using a load balancing algorithm to assign a server to the user request if the transaction is not a secure transaction." Accordingly, secure transactions are not treated the same as transactions that are not secure.

**35 U.S.C. §103 Rejection,**

***Swildens in view of Freund***

The Examiner rejected claims 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Swildens in view of U.S. Patent No. 6,505,250 by Freund et al. ("Freund"). These claims are cancelled. Freund is cited as showing a QoS manager and accordingly, the combination does not overcome the limitations of Swildens mentioned above.

### **Conclusion**

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

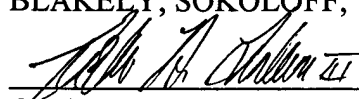
### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 7/13/14



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